

called for strong KAB action against bills which were then pending in four states. Fifteen members of the KAB Advisory Committee immediately resigned.

Since then, "Keep America Beautiful" has spent millions of dollars (its budget in 1990 was \$1.3 million)⁷ in an attempt to place the blame for America's litter problem on the litterbug.⁸ The most famous of its campaigns is the "crying Indian ad," which emotionally conveys the message that Americans should clean up after themselves. Keep America Beautiful is extremely proud of its "KAB System" which consists of litter education programs in 430 "certified" communities in 40 states. But CalPIRG, in a 1981 report, *Can and Bottle Bills*, charged that KAB "exaggerates the effectiveness or frequency of these activities in its own self-interest."⁹ (At that time the program was known as "The Clean Community System.")

It's most recent campaign, "Let's not waste the 90's," has been geared toward presenting five solutions for the solid waste problem: "source reduction, composting, waste-to-energy, and sanitary landfilling".¹⁰ But if one looks at exactly what the organization recommends, a largely skewed viewpoint of the best way to implement these solutions becomes apparent.

KAB recommends composting, but then gives an ominous warning about the possible effects of careless composting (e.g., bacteria and rats). Ted Williams, contributing editor to *Audubon* magazine, in an article entitled "The Metamorphosis of Keep America Beautiful," attributes this to the fact that composting takes earnings away from such trash-hauling KAB members as Browning Ferris and Waste Management, Inc. And as ways of accomplishing source reduction, KAB recommends using two sides of a sheet of paper and buying products packaged in large containers. "Not a word did I find about what industry needs to do, if anything," says Williams.¹¹

In general, environmentalists resent the whole idea of placing the blame on the consumer, and the obvious industry bias of KAB. "The point of view of environmentalists, governments and industries must be equally represented in order to implement long term solutions [to environmental problems]," Walt Childress, Solid Waste Program Director of the Tennessee Environmental Council, told KAB president Roger Powers in January of 1990. "Otherwise, the public will most assuredly smell a vested interest and an incomplete plan."¹²

Pat Franklin of the National Container Recycling Institute is blunt about the problem:

Industries are scrambling to project a pro-environment, pro-recycling image to the public and decision makers through their 'feel-good-about-buying-our-product, we're-protecting-the-environment' advertising campaigns. The public and our policy makers must look beyond the rhetoric and public relations ploys, and focus on workable, effective and successful recycling alternatives.¹³

Franklin is also distressed about KAB's lack of support for a national bottle bill, but she realizes that most KAB supporters are afraid such a bill would cost them money. Ted Williams found this to be no justification for America's lack of concern for its environment:

Only in America could custom dispel the discarding of a perfectly good

vessel simply because someone had quaffed the contents, but that's what we do with 50 billion cans and bottles every year. An additional 50 billion or so are 'recycled,' a uniquely American interpretation of the word because they too are discarded, then crushed melted and remade, rather than simply washed and refilled. It's as if we were a nation of dukes and earls, pitching our brandy sniffers at the hearth.¹⁴

Nonetheless, with groups like KAB in existence, and with a powerful anti-bottle bill lobbying effort being made by many of its supporters, our nation's waste problem seems destined to increase.

CLEAN CAPITAL CITIES COMMITTEE

Washington, D.C., along with 40 other states in America, does not have a bottle deposit law. The District voted on a bottle bill in 1987, but due to a concentrated effort on the part of the beverage industry, bottling companies and grocery stores, it failed. Those industries feared that a bottle bill would end up costing them money, since they would be forced to pay for the costs of accepting used bottles and would be able to produce fewer new bottles. So they created the "Clean Capital Cities Committee," (CCCC) and hired Reese Communications Companies (RCC), a Washington public relations firm which had previously led the campaign for the passage of the Massachusetts bottle bill, to campaign against the bill.¹⁵ (As Pat Franklin put it, "Money is still green.")¹⁶

After assessing the situation, RCC decided to create a campaign based on the assumption that the bottle bill would discriminate against the lower classes. Because it would make beverages cost five cents more, poorer people would less easily be able to afford their drinks, they reasoned. However, as Richard Blow pointed out in a *New Republic* article, CCCC did not take into account the fact that many low-income and homeless people could actually make money returning cans they had not purchased themselves, and that they could possibly get jobs in the newly-created recycling industry.¹⁷

Hiding behind the "Clean Capital Cities Committee," the industry spent three million dollars to publicize their point of view. And they used whatever tactics necessary in order to win. The most extreme part of the campaign involved the fabrication of a racial issue. Since Washington has such a large black population, and since those black people generally have lower incomes than whites, the bottle bill was a means of discriminating against blacks, CCCC claimed. The group hired prominent members of the black community to publicize the viewpoint, and donated money to black philanthropic organizations.

At the same time, many of the companies supporting CCCC were doing business in South Africa, and were later banned from doing business with D.C. because of it. But no one knew who was financing CCCC, so the hypocrisy never surfaced.¹⁸ When election day rolled around, the bill lost, 55 to 45 percent, despite the fact that polls had shown 72 percent in favor of the bill in January.

Keep America Beautiful¹⁹

Membership as of 1990

Over 300 contributors, including:

Leadership Members:

American Iron and Steel Institute
Anheuser-Busch Companies, Inc.
ARCO Chemical Company
The Coca-Cola Company
The Council for Solid Waste Solutions
Dow Chemical USA
First Brands Corporation
Kmart International
McDonald's Corporation
Owens Illinois, Inc.
Occidental Chemical Corporation
Pepsi-Cola Company
Philip Morris Companies Inc.
The Procter and Gamble Company
Scott Paper Company
Waste Management of North America, Inc.

Sustaining Members:

American National Can Company
Amoco Foam Products Company
Browning-Ferris Industries, Inc.
CPC International Inc.
Crown, Cork & Seal Company, Inc.
James River Corporation
USS, A Division of USX Corporation
Wheelabrator Technologies Inc.

Sponsoring Members:

Bethlehem Steel Corporation
Primerica Corporation
Reynolds Metals Company
Rubbermaid Inc.
Weirton Steel Corporation
William Wrigley Jr. Company

Supporting Members:

ALCOA Recycling Company, Inc.

Alcan Rolled Products Company
Bristol-Myers Squibb Company
Boise Cascade Corporation
Caterpillar Inc.
Cecil B. Day Investment Company
Champion International Corporation
Du Pont Company
Ford Motor Company
General Mills, Inc.
Georgia-Pacific Corporation
The Goodyear Tire & Rubber Company
The Heil Company
Huntsman Chemical Corporation
Johnson Controls, Inc.
Joseph E. Seagram & Sons, Inc.
The Kroger Co.
Media General, Inc.
Mobil Chemical Company
Nabisco Brands, Inc.
Navistar International Transportation Corporation
Norfolk Southern Corporation
The NutraSweet Company
Ocean Spray Cranberries, Inc.
Polysar Incorporated
St. Joe Paper Company
Sonoco Products Company
Steel Can Recycling Institute
Sweetheart Cup Company, Inc.
Tetra Pak Inc.

Members:

American Paper Institute
Arthur Andersen & Co.
Ball Corporation
Borden, Inc.
Brown & Williamson Tobacco Corporation
Cadbury Schweppes, Inc.
Campbell Soup Company
Coca-Cola Enterprises, Inc.
Del Monte Foods, USA
Food Marketing Institute
Foodservice and Packaging Institute
Glass, Molders, Pottery, Plastics & Allied Workers
H.J. Heinz Company

Hershey Foods Corporation
International Sanitary Supply Association, Inc.
Kaiser Aluminum Corporation
Kellogg's Company
National Soft Drink Association
The Philadelphia Coca-Cola Bottling Company
Phillips Petroleum
Reading Energy Corporation
Rock-Tenn Company
Thomas J. Lipton, Inc.
Volvo GM Heavy Truck Corporation
Westvaco Corporation
Weyerhaeuser Company
Wheeling Pittsburgh Steel Corporation
Winn-Dixie Stores, Inc.

Notes

1. "The Metamorphosis of Keep America Beautiful," by Ted Williams. *Audubon Magazine*, March 1990, p. 133.
2. Quoted in "The Metamorphosis of KAB," by Williams, *Audubon*, p. 129.
3. Letter from John Dowlin to Rick Hoffman and Louis Fettig c/o Keep America Beautiful, Inc., September 5, 1989.
4. Letter from Marjorie G. Forbes, Manager, Community Training Services (KAB) to John Dowlin, October 12, 1989.
5. *Keep America Beautiful, Inc: 1990 Annual Review*, p. 29.
6. *Can and Bottle Bills*, by CalPIRG (Bill Shireman, principal author), 1981, p. 130.
7. "The Metamorphosis of Keep America Beautiful," by Williams, p. 124.
8. Paraphrase of a statement made by Roger Powers in 1978, quoted in *Cans and Bottle Bills*, by CalPIRG, p. 131.
9. *Can and Bottle Bills*, by CalPIRG, p. 130.
10. From KAB literature cited in "The Metamorphosis of KAB," by Williams, p. 126.
11. "The Metamorphosis of KAB," by Williams, p. 128.
12. Letter from Walt Childress to Roger Powers, dated January 29, 1990, on file with the authors.
13. "'Recycling'; Industry's Public Relations Buzzword of the 90's," by Pat Franklin, Container Recycling Institute. Unpublished paper, on file with author.
14. "The Metamorphosis of KAB," by Williams, p. 129.
15. Pat Franklin, personal communication, August 12, 1991.
16. *Ibid.*

17. "Blackstabbers," by Richard Blow, *The New Republic*, May 29, 1989.
18. Ibid.
19. *Keep America Beautiful, Inc: 1990 Annual Review*, p. 29.

LIVING LAKES INC.

"You can't lime every stream that needs liming. It's putting a band-aid on a broken arm."

-- Joy Oaks of the Sierra Club¹

"Living Lakes: An organization of coal-burning power companies that makes a big show of lining acidified lakes with crushed limestone in order to undercut support for industry regulations that would eliminate acid rain in the first place."

-- *Spy* magazine description of Living Lakes, in an article on front groups, May, 1989²

In 1985, a group of power and coal companies realized that the acid rain crisis, if not brought under control, could prove disastrous for the industry. Environmentalists were up in arms, and the public was becoming increasingly concerned over the damage caused when acidified precipitation fell from the sky, debilitating entire ecosystems in lakes, streams, and rivers. The corporations needed to win back public approval, and more importantly, to keep legislators from enforcing strict acid rain control regulations on coal burners. One method which had been shown to reduce acidity in bodies of water was a process called liming, which consists of adding crushed limestone (a base) to these lakes and streams. The companies quickly created an organization which would oversee dozens of such liming projects.

The power and coal companies called their creation Living Lakes, Incorporated (LLI). The media ate the project up. Headlines hailing the group as "Lake Savers"³ and "Fighters Against Acid Rain"⁴ proliferated. What many people did not realize, however, was that Living Lakes was created, funded, and remains fully controlled by at least twenty major power and coal companies, with little citizen participation and no public meetings or discussion of the group's operations. LLI's chairman, Bobby Brown, is the president and CEO of Consolidation Coal Company. The group's vice chairman, Klaus Bergman, is president and CEO of Allegheny Power System, Inc. In fact, every member of LLI's nine-person board of directors is the chairman, president, and/or CEO of a major power or coal company. LLI's assets in 1989 were over \$2.1 million and its revenue topped \$3.2 million -- nearly all of which came from these acid-rain causing corporations.⁵

Mary Wimmer, Public Lands Chair of the West Virginia Chapter of the Sierra Club, calls LLI "a front group for the power companies and the coal companies."⁶ According to Wimmer, the process of liming does indeed raise the pH of lakes and streams, thereby lowering the acidity. But Wimmer also contends that decreasing the acidity of these bodies of water has not been shown to restore biota of the waters -- the living organisms and ecosystems -- which she says is "the key issue." The group with the best resources to study the effects of liming on the biota is, of course, Living Lakes. But LLI has refused to fund such studies -- studies which could effectively render the process of liming useless.

"They're funding a project for neutralizing some of our wildest rivers in the Monongahela National Forest [in West Virginia]," Wimmer says. "They're funding a research

Living Lakes⁹

Membership as of 1989

Allegheny Power System, Inc.
 Monongahela Power Company
 The Potomac Edison Company
 West Penn Power Company
American Electric Power Company, Inc.
 American Electric Power Service Corporation
 Appalachian Power Company
 Columbus Southern Power Company
 Indiana Michigan Power Company
 Kentucky Power Company
 Kingsport Power Company
 Michigan Power Company
 Ohio Power Company
 Wheeling Power Company
Baltimore Gas and Electric Company
Beth Energy Mines, Inc.
Central and South West Corporation
 Central Power and Light Company
 Public Service Company of Oklahoma
 Southwestern Electric Power Company
 West Texas Utilities Company
Consolidation Coal Company
Continental Coal Sales Corporation
Drummond Company, Inc.
Duquesne Light Company
General Public Utilities Corporation
 Jersey Central Power and Light Company
 Metropolitan Edison Company
 Pennsylvania Electric Company
Indianapolis Power and Light Company
Kentucky Utilities Company
Ohio Edison Company
 Pennsylvania Power Company
Peabody Holding Company, Inc.
Pennsylvania Power and Light Company
Potomac Electric Power Company
The Southern Company
 Alabama Power Company
 Georgia Power Company
 Gulf Power Company

project to add limestone to the streams to bring the pH up. Yet they refuse to fund the accompanying wildlife studies to actually determine whether neutralizing the stream with limestone they could actually restore the biota. It didn't matter if the stream didn't grow anything. All they were willing to pay for was the pH change."⁷

Recently Wimmer was able to infiltrate a Living Lakes meeting, which was closed to the general public. In fact, Wimmer says, "They have not had a single open public meeting about any of this stuff." When she asked about LLI's funding, the group admitted it was exclusively from power and coal companies.

Now, Living Lakes claims it is in the process of closing down. Its Washington office has been closed, and the group will be dismantled by the spring of 1992, they say. However, the directors and corporate members are simply moving into new headquarters -- the "environmental consulting firm" of Brocksen and Brand, created in 1989 by LLI executive director Robert Brocksen and a colleague, Thomas Brand. According to a receptionist at this new firm, Brocksen and Brand will take over most of LLI's operations.

When asked if all this acid precipitation was caused by these companies in the first place, the receptionist was not too sure.

"Yes, right," she agreed. "Well actually, no. No one can really say for sure what causes acid rain."⁸

Notes

1. Telephone interview with Joy Oaks, August 1, 1991.
2. "A Corporate-Funded Pro-Pollution Lobbying Group By Any Other Name," by Elizabeth Royte. *Spy*, May, 1989, p. 50.
3. "Lake Savers Open Battle," by Don Knorr. *Observer-Dispatch*, October 5, 1989, p. 1A.
4. "Wood Lakes Testing Ground in Fight Against Acid Rain," by Mike MacAdam. *Schenectady Gazette*, October 5, 1989, p. 44.
5. Living Lakes, Inc. 1989 Annual Report.
6. Telephone interview with Mary Wimmer, August 1, 1991.
7. Ibid.
8. Telephone call to Brocksen and Brand, July 25, 1991.
9. Living Lakes, Inc. 1989 Annual Report.

Mississippi Power Company
Savannah Electric and Power Company
Southern Company Services, Inc.
Sport Fishing Institute
Union Electric Company
Zeigler Coal Company

Currently, the NICS board of directors includes representatives from Union Carbide and Du Pont, as well as several non-chemical companies including AT&T, C & P Telephone Company, the National Bank of Commerce, and the McJunkin Corporation. And while its viewpoints are seen by many as those of an independent, unbiased research organization, much of the Institute's \$1 million annual budget also comes from corporations including Du Pont, FMC Corporation, Monsanto Company, Occidental Chemical, Olin Corporation, PB&S Chemical Company, and Union Carbide.⁵

In 1987, a spokesman for Union Carbide said, "We support scientifically credible studies on the health effects of chemical exposures, such as the soon-to-be-undertaken Kanawha Valley Health Effects Feasibility Study sponsored by NICS."⁶

Millar finds such Feasibility Studies supported by NICS to be nothing more than industry gimmicks. "The idea," he says, "is that the chemical industry can demonstrate after Bhopal that it can make things safer without having to endure new regulations from the government."⁷

Lester, who calls NICS a "mouthpiece for industry," agrees with this definition and adds, "One of the main purposes of this Institute was to create a better public image for companies like Union Carbide in the wake of the Bhopal accident. [By using] 'communications' and 'risk assessment' and a variety of other buzzwords that talk about public relations involvement in community activities, they were hoping that they would create a better public image of the chemical industry in general."⁸

The Institute purports to work closely with "all parties -- environmentalists, government, industry, and unaffiliated plant neighbors -- to gather basic information so that known or perceived risks can be assessed. By fostering dialogue on issues of concern, the Institute promotes public understanding, enables the community to determine how effectively risks are being managed by industry and public agencies, and helps shape new directions if appropriate."⁹

Many local residents of Chemical Valley remain unconvinced. According to an article in *Chemical Week*, "[One] local resident, and mother, is not satisfied. 'We are asked to take the risks without being shown the benefits,' Estelle Chandler told the group. 'Rather than dialogue, I fear we have monologues.'"¹⁰

And Lester remains skeptical of the Institute's motives. "They seem to be creating this image of being completely neutral," he commented. "I just don't see them being unbiased, based on who runs them. . . Rather than dealing with reducing waste and finding ways to avoid generating waste in the first place, the industry is putting money into funding groups like the NICS to talk to the public about why it's 'okay.'"¹¹

As for the Institute's claims of working with environmentalists, it has received some grant money from the U.S. Environmental Protection Agency in the past. In a public relations folder, the group also lists several environmental organizations with phone numbers and addresses "to assist you in your efforts to locate information." But Lester, whose Citizens' Clearinghouse for Hazardous Waste is on this list, believes that NICS does this "to buy credibility, to imply that they are working with groups like CCHW and that CCHW in some way endorses or supports the activities of NICS. We do not support those guys or endorse them or have any connection to them. Given what we sense of them, we don't want to have anything to do with them."¹²

NATIONAL INSTITUTE FOR CHEMICAL STUDIES

"The Institute's role is to serve as an honest broker of information. It's mission is to research answers to public concerns and communicate the information. . . We are not an industry-based trade association or a quasi-public agency with regulatory or enforcement powers. Nor are we an advocacy group with an explicit set of solutions of our own to impose upon public agencies or industry."

-- Lewis Crampton, executive director of the National Institute for Chemical Studies¹

With this disclaimer, Lewis Crampton and his National Institute for Chemical Studies (NICS) have become a credible source of information for the media, local legislators, and citizens of the Kanawha Valley in West Virginia -- known to many as "Chemical Valley." The area is home to a dozen chemical plants, including Du Pont, Monsanto, Union Carbide, Occidental, and FMC. As one might expect, the valley's residents are becoming increasingly concerned by the inherent dangers of living in the area. Since its creation in 1985, NICS has become one source these worried residents have turned to for information about these dangers.

The Institute was created shortly after the Bhopal, India, disaster, in which a Union Carbide pesticide plant leak released 40 tons of deadly gases, resulting in at least 2,000 to 5,000 deaths and 200,000 injuries. Many Americans considered the Bhopal incident a tragedy, but few were worried about such an incident occurring in their own hometown. That is, except in Chemical Valley.

According to Steve Lester of Citizens' Clearinghouse for Hazardous Waste, "The place has been coined Cancer Valley. There are tons of chemicals, carcinogens, and other toxics being released into the air there over the course of months and years. It's a problem community."²

In the wake of the Bhopal tragedy, then, Chemical Valley residents were anxious. According to NICS, "The logical question arose, 'Could Bhopal happen here?' Fear and concern were natural public reactions. At the same time... research indicated the general population did not view industry as a credible source of information."³ Before long, an incident much like the explosion in Bhopal occurred in a Chemical Valley Union Carbide plant, sending 135 badly injured residents to the hospital for treatment. Chemical companies quickly mobilized their forces to create the Institute.

While industry realizes that it lacks credibility in the eyes of the public, its Institute has succeeded in shaping public opinion over the safety of living in Chemical Valley. The group has accomplished this in part through the creation "Community Safety Assessment" (CSA) programs to assure the public that living in the valley is indeed safe. Like the similar Community Advisory Committees (CAC) and Community Awareness & Emergency Response (CAER) groups also set up by industry, the CSAs are "supposed to be these citizen-advisory boards," according to Fred Millar of Friends of the Earth, "where they try to co-opt the local citizens who are the most vocal and make them think they are important by having them on these advisory committees." In fact, says Millar, these groups are actually "industry dominated."⁴

Over the past six years, industry representation at NICS has indeed been high.

Notes

1. "Bridge Building in the Kanawha Valley," by Kenneth Brooks. *Chemical Week*, March 25, 1987, p. 22.
2. Telephone interview with Steve Lasser, August 13, 1991.
3. "National Institute for Chemical Studies," public relations brochure.
4. Telephone interview with Fred Millar, August 13, 1991.
5. *Citizens' Guide for Environmental Issues: A Handbook for Cultivating Dialogue*.
The National Institute for Chemical Studies, 1989, p. 81
6. "Bridge Building in the Kanawha Valley," by Brooks, *Chemical Week*, p. 23.
7. Telephone interview with Millar.
8. Telephone interview with Lester.
9. NICS brochure.
10. "Bridge Building in the Kanawha Valley," by Brooks, *Chemical Week*, p. 23.
11. Telephone interview with Lester.
12. Ibid.
13. *Citizens' Guide for Environmental Issues*, p. 81.

National Institute for Chemical Studies¹³

Contributors as of 1991

AT&T

Atlantic Financial Federal -- West Virginia

C&P Telephone Company of West Virginia

Columbia Gas Transmission Corporation

The Daywood Foundation

E.I. Du Pont de Nemours and Company, Inc.

FMC Corporation

The William and Flora Hewlett Foundation

Jackson & Kelly

The Bernard H. and Blanche E. Jacobson Foundation

McJunkin Corporation

Monsanto Company

MTI Corporation

National Bank of Commerce

Occidental Chemical

Olin Corporation

Park Corporation

PB&S Chemical Company

Rhone-Poulenc Ag Company

The Science and Technology Center of Southern West Virginia, Inc.

Union Carbide Corporation

United National Bank

U.S. Environmental Protection Agency

Virginia Environmental Endowment

Cecil I. Walker Machinery

West Virginia -- American Water Company

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(NELF) was incorporated in Boston as the northeastern branch of the NLCPI model. Since its inception, NELF has represented on its board the Cabot Corporation, the First National Bank of Boston, Aetna Life and Casualty Company, Connecticut Bank and Trust, and the Gillette Company.⁵ Its current board is made up of the chief executive officers or vice presidents of twenty corporations, including Polaroid, NYNEX, Reebok International, Raytheon, Barnes Group Inc., the UST Corporation, Tyco Laboratories, Hasbro, Aetna, and Northeast Utilities.⁶ NELF's board also includes the presidents of the Associated Industries of Massachusetts and the Connecticut Business and Industry Association. Seventy-seven percent of NELF's funding in 1990 came from corporations, while an additional fifteen percent were from foundations -- institutions which often represent corporate interests such as the Coors Foundation, the Eli Lilly Foundation, and the Olin Foundation.

NELF's agenda is hardly surprising. According to its 1990 Annual Report, the legal foundation has recently fought for an operating license for the Seabrook Nuclear Power Plant in New Jersey, the repeal of a law holding secured lenders liable for Superfund hazardous waste sites, and deregulation of asbestos removal in Massachusetts. As with its sister legal foundations, it is virtually impossible to come up with a single lawsuit instigated by NELF which does not mirror the interests of its industrial supporters.

The Mountain States Legal Foundation (MSLF) is another case in point. Founded in part by Joseph Coors in 1977, MSLF has mostly been involved in cases concerning water and land issues. Not surprisingly, the PILF's initial funding came from Amoco, Marathon Oil, Phillips Petroleum, Cities Service, and Coors.⁷ Its first president was former Secretary of the Interior James Watt, who explained, "I fear that our states may be ravaged as a result of the actions of the environmentalists, the greatest threat to the ecology of the west."⁸ MSLF worked "to counterbalance those groups that are trying to block the economic development of the west." Like NELF, the Mountain States foundation has consistently come to the defense of its financial supporters' interests, mostly in the energy industry. Perhaps MSLF's largest foundation contributor has been the Murdock Charitable Trust, which gave at least \$130,000 from 1980 to 1986.⁹ The Murdock family has made a fortune from its Northwest business empire and continues to donate to MSLF.

Each of the other PILFs have litigated on behalf of their financial supporters in the vast majority of cases. In a 1984 study of PILFs, professor Oliver Houck of Tulane Law School demonstrated that in 339 evaluated cases involving these regional legal foundations, 179 were inappropriate actions (based on the Internal Revenue definition of "public interest"), 58 were questionable, and 102 were valid.¹⁰ In other words, between fifty-three and seventy percent of the litigation brought forth by these so-called public interest groups are solely beneficial to their corporate sponsors.

Houck concluded, "What causes the most serious difficulties, or should cause them, is the conduct of these firms, the cases they have undertaken, a high percentage of which are indistinguishable from those of their business sponsors, and a smaller but still disturbing percentage of which appear to be on behalf of the very corporations that are their major donors and that sit on their directing boards."¹¹

Despite this unethical manipulation of the true "public interest", Houck finds the PILFs to be in no danger of termination: "No single case or group of cases for any PILF with a sizable docket will lead to its disqualification as a section 501(c)(3) charity. There is too

NATIONAL LEGAL CENTER FOR THE PUBLIC INTEREST

"A concrete and unique proposal will be presented to enable attendees to become participants in the development of our energy and other mineral resources on a free enterprise, profit-seeking basis. The proposal will show how this can be achieved while thwarting the over-regulators and saboteurs masquerading as environmentalists."

-- Brochure describing the creation of the National Legal Center for the Public Interest¹

A few of America's wealthiest corporate executives discovered in the early 1970s that by creating "public interest law firms" (PILFs), they could greatly benefit their companies by using these law firms, in essence, to manipulate the legal system. After witnessing the enormous success of the first of these firms, the Pacific Legal Foundation, these executives decided to construct an "umbrella organization" so that regional PILFs could be properly established and coordinated with one another.

This coordinating entity, created in 1975, was named the National Legal Center for the Public Interest (NLCPI). Start-up money was donated by 330 private businesses, including major chemical companies, "the three major automakers, such oil companies as Texaco, Exxon, Gulf, and Mobil and a spread of other companies in fields as varied as steel and potatoes."² The group's original fifteen members were executives of major U.S. corporations, and since its founding, NLCPI's board of directors have represented Dow Chemical, the Fluor Corporation, ASARCO Inc., Phillips Petroleum, Amway, ARMCO, the National Associations of Manufacturers, the U.S. Chamber of Commerce, Reserve Mining, and United Telecommunications, among others.

Because, under federal tax law, they are supposed to work in the public interest, the handful of similar legal foundations created by NLCPI accept no payment for legal fees. These groups must decide which cases they bring to court based on "whether the case involves a matter of public important interest [and] whether the individual or groups involved cannot afford competent private legal counsel,"³ according to the Internal Revenue Ruling 75-74. Furthermore, the foundations cannot "accept cases in which private persons have a sufficient economic interest in the outcome of the litigation to justify the retention of private counsel."⁴ However, corporations frequently disregard these provisions and utilize the PILFs to litigate in their own best interests, thereby manipulating the "public interest" status afforded them.

The National Legal Center has aided in the creation of seven regional PILFs, including the Mountain States Legal Foundation, the Mid-America Legal Foundation, the Gulf Coast and Great Plains Legal Foundation, the Mid-Atlantic Legal Foundation, the Southeastern Legal Foundation, the New England Legal Foundation, and the Capital Legal Foundation. Each of these groups, including NLCPI itself, have been funded in major part by a variety of U.S. corporations and at the same time have fought ardently in defense of these corporations' interests.

A few examples demonstrate this point clearly. The New England Legal Foundation

National Legal Center for the Public Interest¹³

Known contributors

At least 330 private businesses and foundations, including:

AT&T
Coors Foundation
Culpeper Foundation
Exxon
Fluor Corporation
Ford Motor Company Fund
Gulf
Hearst Foundation
Kimberly-Clark Foundation, Inc.
Mobil
M.J. Murdock Charitable Trust
John M. Olin Foundation
Phillips Petroleum Foundation, Inc.
Sarah Scaife Foundation
Sears, Roebuck Foundation
Texaco

much play in the system and its implementing regulations. A PILF will have to have led a notably private parade before the Service will call it to a halt. If then."¹²

NATIONAL RIGHT TO WORK COMMITTEE AND RIGHT TO WORK LEGAL DEFENSE FOUNDATION

"Through a combined program of propaganda, lobbying and litigation, the [National Right to Work] Committee and [the National Right to Work Legal Defense] Foundation pursue a broad anti-union agenda to further employer interests by discrediting unionization and weakening organized labor. . ."

-- from the proceedings of Civil Action No. 89 73 in the District of Columbia District Court, against the Right to Work organizations -- statement by counsel for the plaintiffs, Joseph Rauh, Jr., John Silard, Mary Levy and James C. Turner¹

"The National Right to Work Committee is an organization which purports to be interested solely in promoting the "right to work", which it defines as the freedom of American workers to join or not join a labor union. The Committee's true aim, however, is to inhibit the operations and activities of unions and their members in the United States.

-- AFL-CIO Executive Council Ad Hoc Committee on Restrictive Legislation²

Liberty, the underpinning of the United States of America since her birth, is the jewel that shines like no other in the eyes of the National Right to Work Committee. The Committee's motto, fashioned after the ideals of our nation's Founding Fathers, is straightforward: 'Americans must have the right but must not be compelled to join labor unions.'³

This statement appears in a information pamphlet which has a copy of the constitution and the liberty bell depicted on the front. While the National Right to Work Committee, with its blatant appeal to Americans' sense of patriotism and individualism, claims that its motto is straightforward, its actual purpose for existing is not.

The Committee portrays itself as a member-supported, grass-roots organization whose supporters are "men and women -- in all walks of life, union members as well as non-union employees from every corner of America." These members, the Right to Work Committee claims, make voluntary contributions to the Committee in an effort to protect themselves and others from compulsory unionism and maintain their constitutional "right to work."⁴

The Right to Work Committee was established in 1955, as an organization with lobbying rights. In 1968, the Committee established a separate but "complementary" organization, The National Right to Work Legal Defense Foundation, to "assist," through litigation, "employees whose human and civil rights are being violated because of compulsory unionism."⁵ Both organizations are housed in the same building and both are headed by the same person.

Both are also funded by employer interests who tend to benefit from a lack of union organization. While the organizations claim that they exist solely to fight compulsory unionism, evidence suggests that they work to discourage the formation of all unions in an

Notes

1. "With Charity For All," by Oliver Houck. *Yale Law Journal*, July, 1984, p. 1477.
2. Ibid. p. 1476.
3. Ibid, p. 1452.
4. Ibid. pp. 1452-3.
5. Ibid. 1503.
6. New England Legal Foundation 1990 Annual Report.
7. "With Charity For All," Houck, *Yale Law Journal*, p. 1478.
8. Ibid., p. 1479.
9. From the files of Wesley McCune, director of Group Research, Inc.
10. "With Charity For All," Houck, *Yale Law Journal*, p. 1546.
11. Ibid., p. 1420.
12. Ibid., p. 1563.
13. "With Charity For All," by Houck, *Yale Law Journal*, and research from the Foundation Center, on file with the authors.

manufactures auto parts. The AFL-CIO summarizes his philosophy succinctly: "Lomason is an anti-union employer."¹⁵

Despite these, and many other board member linkages to the business and anti-union world, it has been difficult to determine where exactly the Right to Work Organizations receive their money. Nevertheless, small pieces of evidence have surfaced. In 1973, the Committee's own records showed that 84% of its budget came from "corporations, businesses and other employers." Rauh and his colleagues found that "[t]here is no indication that in more recent years [since the Committee has "regressed to concealment"] employer money has become any less vital to the committee's operations."¹⁶ A source at the AFL-CIO also claims that he does not believe there has been any drastic shift in the Committee's funding sources since Rauh's 1982 report.¹⁷

During the proceedings of the court case against the Right to Workers, a lawyer for the defendants stated, "if employer contributions are prohibited. . .the effectiveness of litigation against the unions, for practical purposes is completely destroyed."¹⁸

Rauh's description of the groups' activities reveals that the organizations do much more than lobby and litigate against compulsory unionism. They state that through these two activities, as well as through an extensive propaganda campaign, "the Committee and Foundation pursue a broad anti-union agenda to further employer interests by discrediting unionization and weakening organized labor."¹⁹

A glance at some newspaper ads and mailings which the Right to Work organizations have produced reveals what the lawyers meant. A full page ad in the *Washington Times* from 1985 shows a black woman's face and the words, "It's Like Putting Me in Slavery," in reference to the fact that her union uses her dues for political purposes.²⁰ A 1987 mailing from Reed Larson (president of both organizations) opens, "Dear Friend, Thugs who beat-up mutilate and even MURDER INNOCENT PEOPLE belong in jail..." The letter repeatedly refers to "union thugs," "henchmen" and "goons" in its appeal for money to litigate against "union violence."²¹ All this propaganda, Rauh claims, is "aimed at frightening employees away from union support."²²

One of the few goals which the organizations state and actually pursue is the passage of Right to Work laws in each of the states. So far 21 states have such laws, which guarantee "that no person can be compelled, as a condition of employment, to join or not to join or to pay dues to a labor union."²³ Rauh points out that "it is in these states that wages and working conditions are the lowest and union organization the weakest."²⁴

Goals of the organizations which go beyond curbing compulsory unionism include "curtailing union political activities and expenditures," eliminating exclusive bargaining representation, prohibiting the unionization of government employees, discouraging "meet and confer" laws which allow union representatives of public employees to meet with government employees in public places, and generally discouraging employees from joining unions. In general, Rauh feels that the Right to Work Committee and The National Right to Work Legal Defense Foundation, despite their appeal to every employee's constitutional right to work without compulsory unionism, are actually fighting union organizing per se. As they put it, "Though dressed up for consumption as an issue of employee rights, [the organizations'] goal has remained the advancement of the economic interests of the employers who established, and who control and fund the. . .organizations."²⁵ In the AFL-CIO's eyes,

effort to further employer interests.

The Right to Work organizations are extremely secretive about their finances, and numerous efforts by various parties to obtain information about their funding have yielded only pieces of evidence. However, this evidence, along with a bit of educated conjecture paints a pretty dismal picture of the two organizations.

The most comprehensive attempt to determine the true motives of the Right to Work organizations was carried out by the law offices of Rauh, Silard and Lichtman, P.C. between 1973 and 1983. Their efforts were not enough to convince a federal court that the Right to Work groups "are an employer front dedicated to promoting anti-union business interests and that [the] Foundation is not a 'bona fide,' 'independent,' or 'neutral' body free of employer influence and control."⁶ However, the firm's findings do call the "public interest" status of the groups into question.

Joseph Rauh and his colleagues, arguing the case against the Right to Work groups for a number of unions, found that the National Right to Work Committee and its "litigating arm"⁷ are "organizations created, controlled, funded and operated 'of employers, by employers, for employers,' a veritable model of a front for anti-labor, employer interests."⁸ Through analysis of the founders of the organization, the original board members, the current board (which has remained only slightly altered to today), what little evidence of contributions they could find (despite being "stonewalled and stonewalled and stonewalled,"),⁹ and the groups' activities, the lawyers make it relatively clear that the groups' representation of themselves as "public interest" organizations is a twisting of the truth.

The Right to Work Committee was founded by Edwin S. Dillard, an "anti-union, paper box manufacturer," and Whiteford Blakenly, "possibly the country's best known anti-union management attorney" (in 1975), along with "a group of southern businessmen."¹⁰ Since then, these employers have handpicked their successors to the boards of both the Right to Work Committee and the Legal Defense Foundation. By 1982, eight of the thirteen board members of the Foundation were "corporate executives or their representatives, who have a business interest in eliminating or restricting union. . . strength."¹¹ The board has undergone only slight alterations since then.

Shelby Cullom Davis, chairman of the Heritage Foundation -- "the most influential right wing 'think tank' today" -- and contributor to the Accuracy in Media Foundation, the Hoover Institute, and the Pacific Legal Foundation, serves as chairman of the board of the foundation. He is also a "wealthy securities dealer and investment banker." As the AFL-CIO sees it, he personifies "the Committee's close association with both the business community and the right wing."¹²

The vice chairperson of the Foundation, Roberta Pew, who is also on the board of the Committee, represents another close link to the business community. Though she is listed on Right to Work literature as "homemaker,"¹³ she is in fact married to former Sun Oil Company vice president Jack Pew, who is an heir to the "wealthy Philadelphia Pew family." According to the AFL-CIO, Mrs. Pew's "Committee activities mirror the continuing opposition of the oil industry to unionization."¹⁴

A third "vital linkage to the business community" is William K. Lomason, vice chair of the Committee and chairman of the board of Douglas and Lomason, a company which

Notes

1. *International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, Inc., et al. versus National Right to Work Legal Defense and Education Foundation, Inc., et al* (Civil Action No. 839 73 in the U.S. District Court for the District of Columbia: *Appendix to Plaintiff's Motion for Summary Judgement*, by Joseph L. Rauh Jr., John Silard, Mary M. Levy, and James C. Turner, p. 73. (On file with authors.)

2. *A Report on the Board of Directors of the National Right to Work Committee* by the AFL-CIO Executive Council Ad Hoc Committee on Restrictive Legislation (chaired by William H. Wynn), August, 1988, p. 1.

3. National Right to Work Committee information brochure, June, 1989.

4. *The National Right to Work Committee (Questions and Answers)*, January, 1991.

5. Ibid.

6. *International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, Inc., et al. versus National Right to Work Legal Defense and Education Foundation, Inc., et al* (Civil Action No. 839 73 in the U.S. District Court for the District of Columbia: *Plaintiff's Summary of Evidence to Date*, by Joseph L. Rauh Jr., John Silard, Mary M. Levy, and James C. Turner, et al. (On file with authors). Statement is part of the title.

7. *Appendix to Plaintiffs' Motion for Summary Judgement*, by Rauh et al., p. 4.

8. Ibid., p. 2

9. Ibid., p. 2

10. Ibid., p. 11 and p. 13.

11. Ibid., pp. 41-2.

12. *A Report on the Board of Directors of the National Right to Work Committee* by the AFL-CIO Executive Council Ad Hoc Committee on Restrictive Legislation, p. 10.

The rallying cry of 'right to work' would at first appear to be an effort to achieve full employment for all persons, but in reality, it provides neither 'work' nor 'rights.' If right to work supporters were truly interested in jobs or rights, one would expect them to support employment programs, civil rights legislation, minimum wage protections, adequate worker compensation programs, and strong health and safety laws. These issues, however, find no support among the [Committee].²⁶

NATIONAL SAFETY COUNCIL

"The National Safety Council is basically an amalgam of service and information that's very industry oriented and that really has very little to do with advancing safety in our lives."

-- An occupational health and safety expert who prefers to remain anonymous¹

"Protecting life, promoting health. These four action words are the theme of...the National Safety Council's continuing work as the nation's primary health and safety resource," according to the Council's 1990 annual report.² But according to some leading health and safety experts, this gigantic 77-year-old organization does very little to achieve its goal, especially in the workplace.

The National Safety Council is an extremely diverse organization which attempts to address almost every issue that concerns health and safety -- from home safety, especially for children and the elderly, to driver education, to workplace health and safety. It is well-known for its "popular poster series,"³ concerning domestic safety issues, and is also highly respected for its driver education programs. But these are some of the few areas the Council can afford to target without upsetting its many contributors.

Since it gets money from hundreds of huge corporations, the Council tends to avoid serious workplace health and safety issues. Instead, it acts as a means for large corporations and industries to "gain legitimacy with the public, with their workers, with investors, [and] with all sorts of people."⁴ Three health and safety experts concur that the Council "has never criticized anyone."⁵ When asked if the Council had ever condemned any industry or corporation for not having healthy or safe work conditions, John Moran, director of the occupational health and safety division of the Laborer's Health and Safety Fund of America replied, "Absolutely not. I'm not aware of a single case."⁶

In fact the Council has done quite the opposite. According to one source, "It is doubtful that there has ever been a corporation...that contributed to the National Safety Council that didn't get some kind of plaque [or] acknowledgement [for their excellent safety record.]... They all get it. People support the National Safety Council for basically that purpose."⁷

And the organization gets quite a bit of industry support. E.I. DuPont de Nemours & Co., AT&T, Chevron, Ford, GM, IBM, Mobil, and Texaco all gave over \$10,000 in 1990, while Browning-Ferris, USX, Dow Chemical, Exxon and numerous insurance companies gave over \$5,000.⁸

Perhaps the biggest embarrassment in the Council's history was its awarding of its outstanding corporate safety award to Union Carbide Corporation in 1984. One year later the corporation was responsible for between two and five thousand deaths in Bhopal, India, after a chemical leak at a pesticide factory,⁹ and in April of 1986, it became the first company to be fined by the Occupational Safety and Health Administration in excess of \$1,000,000 for safety hazards at its Institute West Virginia project.¹⁰

The Council further compromises its commitment to health and safety by endorsing incentive programs which provide employees with gifts for working a certain period of time

13. Committee information brochure.
14. *A Report on the Board of Directors of the National Right to Work Committee*, p. 15.
15. *Ibid.*, p. 12.
16. *Appendix to Plaintiffs' Motion for Summary Judgement*, by Rauh et al., p. 61.
17. Phone interview with Michael Scpak, July 1991.
18. *Appendix to Plaintiffs' Motion for Summary Judgement*, by Rauh et al., p. 51.
19. *Ibid.*, p. 73
20. *Washington Times*, November 26, 1985, p. 5C.
21. Solicitation letter from Larson, dated October 5, 1987. Provided by Wesley McCune, Group Research.
22. *Appendix to Plaintiffs' Motion for Summary Judgement*, by Rauh et al., p. 125.
23. *The Right to Work Issue: Questions and Answers*.
24. *Appendix to Plaintiffs' Motion for Summary Judgement*, by Rauh et al., p. 75.
25. *Ibid.*, p. 85.
26. *A Report on the Board of Directors of the National Right to Work Committee* by the AFL-CIO Executive Council Ad Hoc Committee on Restrictive Legislation, p. 41.

National Safety Council²⁰
Contributors as of 1990

\$10,000 AND ABOVE:

The Atchison, Topeka and Santa Fe Railway Company
AT&T Foundation
John Deere Foundation
E. I. DuPont de Nemours and Co.
Ford Motor Company Fund
General Motors Corporation
IBM Corporation
International Brotherhood of Electrical Workers, AFL-CIO
Mobil Foundation, Inc.
Shell Oil Company Foundation
Texaco Inc
Union Pacific Railroad Co.

\$5,000 TO \$9,999:

Alcoa Foundation
The Allstate Foundation
American Trucking Associations, Inc.
Amoco Foundation, Inc.
Browning-Ferris Industries
Caterpillar Foundation
Dow Chemical Company
Exxon Company, U.S.A.
Federal Express Corporation
General Electric Corporation
Johnson & Johnson
Liberty Mutual Insurance Group
Merck Company Foundation
Metropolitan Life Foundation
Mine Safety Appliance Company
The Pfizer Foundation
Phillips Petroleum Foundation, Inc.
PPG Industries, Inc.
The Procter & Gamble Fund
Southern Pacific Transportation Co.
Toyota Motor Sales, U.S.A., Inc.
USAA
USX Corporation

Under \$5,000

Approximately 700 contributors

204404724

without any lost-time injuries. As Moran put it, under this system, employers tell workers, "If you work the year without a lost-time injury, you're all gonna get a turkey for Christmas.' That's an incentive which therefore says, 'Gosh, if you get hurt, for Christ's sakes don't report it because it's gonna hurt the rest of the team.'"11 As a result, the authorities never hear of occupational hazards which might be reparable.

As part of its program to reassure workers, investors and the public about workplace safety, the Council publishes an annual safety report called *Accident Facts*. The Council claims that "Authors, researchers, members of the news media, as well as safety and health professionals rely on *Accident Facts* and other Council publications because of the Council's reputation for conservative, consistent and accurate fact gathering and reporting."<12

At least three occupational health and safety experts disagree. They claim that very few of the numbers which the Council comes up with, for such things as annual workplace fatalities, can be confirmed. Moran, who is a former director of the division of safety and research of the National Institute of Occupational Safety and Health (NIOSH) states, "I looked into how they arrived at their numbers and in general would conclude that they are statistically suspect."<13 Moran's assistant at the Labor Fund, Charles Reese had the same trouble reproducing the statistics. He approached the Council directly and was told, "We calculated it by doing a little bit of this and a little bit of that." "They would not ever explain their actual protocol for determining the numbers they had," claimed Reese.¹⁴ A third source, at another respected occupational health and safety organization, accuses the Council of simply fabricating their numbers to reassure their donors. To this Moran replies, "I'm not aware that this is a fact, but I would not be surprised [if they do make up their numbers]."¹⁵

Despite these allegations, few people know of the Council's questionable methods. Following the publication of the 1990 "Accident Facts," the *New York Times* published a front page article on the book's findings. The anonymous health and safety expert also points out, "They don't explain how they get their information, but I'm sure it's used in trials. . .[and] all over the place as an authoritative source. . .when it's just cockamamie."¹⁶

The source continues, "People should say what the hell it is that they are. This is a very unfocused organization. They are partially a driver education program, partially a cloak of legitimacy for corporations and insurance companies, and they're a statistics bureau. . .where the work they do is very disreputable. . .and they're a products manufacturer of posters and [video]tapes."¹⁷ As Moran sees it, "We don't feel they're an important factor in safety and health. . .We don't feel they're an important influence on workplace health and safety."¹⁸ "They are a very popular and well supported group," adds Reese, "but as far as their impact on the overall health and safety of the nation, it... has not been as effective as [one] would have liked to expect."¹⁹

NATIONAL WETLANDS COALITION

"I am dismayed that well-heeled lobbying groups with feel-good names, such as the National Wetlands Coalition, seem to be exploiting small landowners in hopes of making sweeping changes to the law. This Coalition, with a membership roster that reads like 'Who's Who in the Oil and Gas Industry,' is not interested in protecting wetlands: They want to lift the burden of compliance with wetland laws off the back of big business."

-- Senator John Chafee (D-Rhode Island) in a speech to the American Bar Association and Environmental Law Institute¹

Every minute an acre of wetlands disappears. In the last 200 years, the lower 48 states have lost over half of their wetland acreage.² And the rate of loss will not slow down without stronger government intervention. These facts prompted President George Bush to announce in 1989 the goal of "no net loss" of wetlands, presumably meaning that any wetlands filled or otherwise destroyed by private landowners would have to be recreated somewhere else. Because corporations do not like this responsibility, they formed the National Wetlands Coalition.

The group was created in 1989 to push the agenda of oil and gas companies and real estate developers. Its purpose is to see that the ability of its fifty-four members to build or drill on wetlands is kept intact. Currently, a permit must be acquired from the Army Corps of Engineers before any such activity on a wetland is carried out, and with 15,000 permit requests per year,³ the process of giving permission to dredge and fill a designated wetland area can be laborious one. However, because only 500 requests, or about four percent, are turned down each year, and because 92 percent of permit evaluations are completed within 60 days, most landowners wishing to dredge and fill a wetland area can do so without much problem.⁴

Wetlands are extremely important to the US for ecological, social, recreational, and economic reasons, according to the National Wildlife Federation. They are essential in the control of flooding, the purification of water, and the reduction of erosion. They serve as habitats for waterfowl, fish, and other flora and fauna, and one-third of all endangered species are wetland-dependent. Economically, they generate about \$29 billion annually on sport fishing and waterfowl hunting and about \$10 billion annually to the commercial marine fisheries harvest.⁵

Yet despite the ongoing, rapid destruction of wetlands, and Bush's goal of "no net loss," the National Wetlands Coalition has decided to rally behind two bills - H.R. 1330 and H.R. 404 - to make the transformation of wetlands into shopping malls and oil drilling sites an easier process for landowners. The bills, and the Coalition, are calling for a narrower definition of wetlands under a proposed classification system. Under this system, most wetlands would be classified as "type B" or "type C", thereby receiving little or no government protection from developers. Those classified as "type A" wetlands could not be filled or dredged, but the federal government would be forced to purchase these high quality wetlands from the current landowners. Furthermore, the federal government would have to reimburse these landowners -- usually large corporations -- for any legal fees incurred in the process, putting the full burden of preserving the nation's wetlands on the shoulders of the

Notes

1. Phone interview with a health and safety expert, July 30, 1991.
2. National Safety Council's 1990 Report to the Nation, p. 1.
3. Report to the Nation, p. 4.
4. Phone interview with anonymous source.
5. Ibid.
6. Phone interview with John Moran, August 2, 1991.
7. Phone interview with anonymous source.
8. Report to the Nation, p. 18. (These contributions are actually made to The Foundation for Safety and Health, the Council's self-described fundraising arm.)
9. Corporate Crime and Violence, by Russell Mokhiber. Sierra Club Books, San Francisco, 1989, p. 87.
10. Phone interview with anonymous source.
11. Phone interview with Moran.
12. Report to the Nation, p. 6.
13. Phone interview with Moran.
14. Phone interview with Charles Reese, August 2, 1991.
15. Phone interview with anonymous source.
16. Ibid.
17. Ibid.
18. Phone interview with Moran.
19. Phone interview with Reiss.
20. National Safety Council's 1990 Report to the Nation.

National Wetlands Coalition

Membership as of May 20, 1991

Allegheny Power System, Inc.
Amax, Inc.
Amoco Production Co.
ARCO Alaska
Arctic Slope Regional Corporation
Audubon Institute
Bering Straits Native Corporation
Berry Bros. Gnereal Contractors, Inc.
BP America
Calmat Co.
John E. Chance & Assoc., Inc.
Chevron U.S.A. Inc.
China Clay Producers Association
City of Anchorage
City of Los Angeles
Conoco Inc.
Consolidated Natural Gas Co.
Denver Water Department
Domingue, Szabo & Associates
Enron Corporation
Entergy Corporation
Exxon Company, U.S.A.
Fina Oil & Chemical Company
First Commerce Corporation
Freeport-McMoran Inc.
Glencoe Vacherie Plantation Ltd.
Great Lakes Gas Transmission Company
Hunt Oil Company
Kerr-McGee Corporation
The Koll Company
Las Conchas Partnerships
The Louisiana Land and Exploration Company
Louisiana Landowners Association, Inc.
Louisiana Nature and Science Center
Louisiana Resources Company
Marathon Oil Company
Mobil Exploration & Producing, U.S. Inc.
Nana Regional Corporation
National Fuel Gas Company
Nerco, Inc.

taxpayers.

These proposed amendments to the Clean Water Act are hardly environmentally-sound changes. In a critique of H.R. 1330, the National Wildlife Federation accuses the bill's supporters of intending to reduce the geographic extent of wetlands "without regard to the scientific or ecological definition or functioning of wetlands."⁶ The NWF also charges that by giving Congress and not the EPA the authority to define a true wetland, H.R. 404 would "result in substituting political judgment for what should be a purely scientific judgment."⁷ And Environmental Protection Agency Administrator William Reilly said of H.R. 1330, "I think it very undesirable. . . It's not consistent with the President's commitment. And I strongly oppose it."⁸

For the National Wetlands Coalition to consider itself an "environmental group" is ludicrous. It's logo of a duck flying blissfully over a wetlands marsh is pure fraud. And while its membership list is a clear giveaway of its true intentions -- a list which includes Exxon, Shell, Chevron, Mobil, Texaco, Amoco, Marathon Oil, and Hunt Oil -- it still shamelessly describes its objective as "making a constructive contribution to [develop a plan for] environmentally sensitive management of the Nation's wetlands."⁹

With its heavy financial support from industry (NWC reports a \$400,000 budget in 1991), the Coalition may be able to achieve goals. "The National Wetlands Coalition supports the goal of no overall net loss of wetlands," NWC states in a cover letter, "as long as it remains a goal and does not become a legal or permitting standard. . ."¹⁰ As long as no net loss remains a goal, instead of a reality, the Coalition will be happy.

In fact, a recent compromise between EPA Administrator Reilly and, ironically, the White House (which has gone back on its no net loss goal) may put thousands of acres of wetlands in jeopardy. The compromise calls for a narrowing of the definition of wetlands to include areas with at least 15 consecutive days of standing water and 21 days of surface saturation. Currently, wetlands law calls for only 7 consecutive days of surface saturation.

Estimates for the increased wetlands losses to result from this new compromise, which will undergo a 60-day review period, are high. At a recent White House meeting, Reilly reiterated Bush's former pledge of protecting wetlands areas "no matter how small."

Office of Management and Budget Director Richard Darman retorted, "[Bush] didn't say that. He read what was given to him in a speech."¹¹ Either way, the Wetlands Coalition seems to be winning the battle, for now.

Notes

1. Release from the office of Senator John Chaffee (R-Rhode Island), p. 1.
2. Statement of the National Wildlife Federation before the Senate Subcommittee on Environmental Protection, p. 25.
3. Chafee, p. 3.
4. Ibid.
5. Wetlands fact sheet by Steve Moyer, National Wildlife Federation, March, 1991.
6. National Wildlife Federation critique of the Comprehensive Wetlands Conservation and Management Act of 1991, p. 16.
7. National Wildlife Federation fact sheet on H.R. 404, p. 2.
8. NWF fact sheet on H.R. 1330, p. 1.
9. "Comments of the National Wetlands Coalition," published by the NWC, August 3, 1990, p. 1.
10. Statement by NWC, February 14, 1991, p. 1.
11. "Wetlands Protection and the Struggle Over Environmental Policy," by Michael Weisskopf. *Washington Post*, August 8, 1991, p. A17.

North Slope Borough
Occidental Oil & Gas Corporation
Ocean Drilling & Exploration Co.
Oryx Energy Company
Panhandle Eastern Corporation
Phillips Petroleum Company
Port of New Orleans
Resource Services North, Inc.
Shell Oil Company
T. Baker Smith & Son, Inc.
Sonat Inc.
South Florida Limestone Mining Coalition
Southern Company
Sun Company, Inc.
Tenneco Gas
Texaco USA
Transco Energy Company
Unocal Corporation
Walk, Haydel and Associates, Inc.
Wilmorite, Inc.
The Zamias Group
Michael Zunich & Associates